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10/820,132

04/08/2004

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EXAMINER

NGUYEN, PHUNG HOANG JOSEPH

ART UNIT

PAPER NUMBER

2614

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/820,132	<b>Applicant(s)</b> DAVIES ET AL.	
	<b>Examiner</b> PHUNG-HOANG J. NGUYEN	<b>Art Unit</b> 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on 04 June 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10, 13 and 14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10, 13 and 14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>06/04/2008</u> .  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. Applicant's amendment filed 06/04/2008 has been entered. Claims 1, 3, 5, 9 and 13-14 have been amended. Claims 11-12 and 15-20 have been cancelled. No new claims have been added. Claims 1-20 are still pending in this application, with claims 1 and 15 being independent.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 1, 3-6, 9-10 and 13-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Wood et al (6,091,808).**

**As to claims 1 and 10**, Wood teaches a system for a remote user having access to a remote voice communication system at a first location to implement user-defined telephony features, including receiving and placing of a call in an integrated communications platform at a second location (***Abstract and fig. 2***), comprising:

a personal assistant (PA) (***web browser 12 in conjunction with Web facility 22 enabling the subscriber to manage some or all telephone functions, col. 4, lines 35-36 and 44-45***) for processing said user-defined features (***call control and information features, col. 1, lines 8-9. Also see fig. 3 to see how a subscriber can define his/her own setup***) on said integrated communications platform; and

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an Internet-enabled appliance Web located at the first location (*i.e., the web facility 22 constitutes a web server interface for subscriber information and call management functions, col. 4, lines 44-45 and 32-35*), the appliance comprising a remote policy application (RPA) (*call control system 32, an element of web network 20, having call application API 44 performing the connection and management, see entire document, specifically figs. 2-3*) for communicating with the personal assistant (PA), the RPA connects with the PA to authenticate (*logged information relating to telephone communications to and/or from the calling telephone number, col. 2, lines 26-27; options (e.g. function buttons and/or editing windows) to permit the subscriber to register or log in, col. 6, lines 1-10; col. 10, lines 41-44*) the remote user and notify the PA of the remote user's location information (*the subscriber is able to access his telephone web page on the web facility 22 from any web browser at any location. This enables all of his call management functions to be available to him regardless of where he may be, for example at home, in an office, or traveling using a mobile telephone and web browser, col. 9, lines 46-50. Furthermore, Wood also teaches, throughout his invention, call log which also contains the location information, the call identity information and the time information*) in response to which said personal assistant (PA) reviews the user-defined features (*call control and information features, col. 1, lines 8-9. Also see fig. 3 to see how a subscriber can define his/her own setup*) and effectuates connection of the call to the first location, whereby connection of the calls continues to

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the first location (***making a telephone connection, col. 10, lines 15-34***) for as long as the user remains authenticated to the PA.

**As to claims 3 and 5**, please see claim 1. Furthermore, Wood teaches a local integrated communications platform (ICP) (***a switch-computer interface (SCI) 26 which forms part of the telephone switch 16, col. 4, lines 5-11 and fig. 20 which can comprise any other desired form of communication path. Please see Wood's entire document for the intelligently integrated communications system***).

As to claim 4, Wood teaches a graphical user interface for said remote user to enter said user authentication and location information (***the web page manager 36 is a software application that manages the presentation of the call management web pages to the subscriber via the web 20, and that can easily be provided in known manner to provide any desired web page appearance, col. 5, lines 1-10***).

**As to claim 6**, please see claims 1 and/or 3 and 5, further information on dial a public directory number (***see fig. 3***).

**As to claim 9**, please see claims 1 and/or 3. Furthermore, Wood teaches user transferring the call within said local integrated communications platform to a directory number (DN) identified in said location information (***Wood describes the call forward/can transfer capability as part of the conventional telephone features/service, col. 9, lines 60-63***).

**As to claims 13-14**, please see claims 1 and/or 3. Furthermore, Wood teaches

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a call request over the Internet to said remote policy application (RPA), wherein said call request (***a message containing dial request***) contains calling party identification information (***calling telephone number CN of the subscribers***), and initiating a voice call (***label 75 of fig. 3 for dial***) from said local integrated communications platform to the remote voice communication system using said location information , and upon call answer by said remote user transferring the call within said local integrated communications platform to a directory number (DN) identified in said location information (***col. 6, line 42 - col. 7, line 9 and fig. 3***).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wood in view of Polychronidis et al (US Pub 2003/0018704)**

**As to claim 2**, Wood teaches the use of Internet (and as appreciated by the ordinary skilled artisans that Internet is very commonly platform and well-known compatible application for SIP to be built on), Wood does not explicitly and specifically, teach a first SIP Agent connected to said remote policy application or RPA and a second SIP Agent connected to said personal assistant or PA for effecting

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communication using SIP messages between said remote policy application (RPA) and said personal assistant (PA) over the Internet.

However, Polychronidis teaches a first SIP Agent (i.e., SIP NPL agent 91, par. 0078, line 10) connected to said remote policy application or RPA and a second SIP Agent (i.e., the SIP user agent (not shown) of the user's processing device 94, par. 0079, line 4) connected to said personal assistant or PA for effecting communication using SIP messages between said remote policy application (RPA) and said personal assistant (PA) over the Internet (see Figs. 9 – 10 and pars. 78-82 for the effecting communication using SIP message between two agents) for the purpose of providing a techniques for accessing presence and location information associated with processing devices on a network (par. 0001).

Therefore, it would have been obvious to one of the ordinary skilled in the art at the time of the invention was made to incorporate the teaching of Polychronidis into the teaching of Wood for the purpose of providing a variety of technique in locating the location information of the callers (par. 0019).

**Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wood in view of Robinson et al (US Patent 5,533,102).**

As to claim 7, Wood failed to disclose:

- a) an auto-attendant;
- b) upon call answer by said auto-attendant out-pulsing a directory number (DN) identified in said location information of a telephone for said remote user,

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connecting an automatic speech recognizer (ASR) for listening to detect a code word spoken by the remote user upon answering; and

c) upon detecting said code word providing a voice channel over said PSTN to provide service to the remote user.

Robinson however teaches:

a) an auto-attendant (i.e., the auto-attendant plays a prompt to the caller, and the caller optionally responds with a DTMF or voice command; col. 10, line 66- col. 11, line 3; also see fig. 2).

b) upon call answer by said auto-attendant out-pulsing (i.e., to notify the called party of incoming calls, including caller identification, and continue to notify the called party of the progress of the call through various states, col. 11, lines 47-49) a directory number (DN) identified in said location information of a telephone (see figs. 5-7 for user identification and information on specific account number) for said remote user, connecting an automatic speech recognizer or ASR (i.e., automatic voice recognition, col. 8, line 48) for listening to detect a code word spoken (i.e., voice command, col. 11, line 3) by the remote user upon answering; and

c) upon detecting said code word providing a voice channel (i.e., communication channel, col. 4, line 44; col. 11, line 8) over said PSTN to provide service to the remote user for the purpose of providing a telephone user with information concerning a caller, and means for instructing an auto attendant how to handle the call (col. 1, lines 16-18).



Therefore, it would have been obvious to one of the ordinary skilled in the art at the time of the invention was made to incorporate the teaching of Robinson into Wood for the purpose of providing greater access and convenience for the callers as well as the receivers that a call is handled properly.

**Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wood in view of Robinson et al (US Patent 5,533,102) and furthermore in view of Miner et al (US Pat 5,652,789).**

**As to claim 8,** Wood teaches initiating of said voice call from said local integrated communications platform to the remote voice communication system using said location information further comprises: dialing a contact number identified in said location information for an attendant at the remote voice communication system (**see claims 1 and/or 3 and 5**). Furthermore, Wood teaches detecting at said local integrated communications platform the end of an audible ringing signal indicative of call answer by said attendant (**off-hook condition, col. 6, line 62 – col. 7, line 5**), detecting at said local integrated communication platform a further audible ringing signal indicative of the call being placed to said telephone by said attendant (**as appreciated by the skilled artisans that any electronic switching service, such as the 5ESS (Class 5 of Electronic Switching Service), or any intelligently integrated network, such as the one described by Wood, is inherently capable of signal indicative of the call being placed to any telephone. Indeed, that is a required step in processing a call. Wood also implicitly discusses this element (col. 2, lines 18-20; col. 8, lines 15-25)**).

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Wood does not teach:

connecting an automatic speech recognizer or ASR for listening to detect a code word spoken by the remote user upon answering; and

upon detecting said code word providing a voice channel over said PSTN to provide service to the remote user.

However, Robinson teaches:

connecting an automatic speech recognizer or ASR (i.e., automatic voice recognition, col. 8, line 48) in said local integrated communications platform (i.e., Intelligent Peripheral 40 of fig. 1) for listening to detect a code word (i.e., voice command, col. 11, line 3) spoken by the remote user upon answering; and

upon detecting said code word (i.e., voice command, col. 11, line 3) providing a voice channel over said PSTN to provide service to the remote user for the purpose of providing a greater and more flexible way to access a call via voice recognition

Therefore, it would have been obvious to one of the ordinary skilled in the art at the time of the invention was made to incorporate the teaching of Robinson into the teaching of Wood for the purpose of providing greater access and convenience for the callers. An example of this is if a caller is driving, it would be very hard and dangerous to look at the phone and dial a number or a code. It is rather safe to have voice recognition feature as part of making a call. This also provides a high marketable value for the service providers.

However, Both Wood and Robinson do not explicitly disclose:

repetitively playing a voice announcement indicating a desire to be connected to a telephone identified in said location information for said remote user;

Miner teaches:

repetitively playing a voice announcement (i.e., reminders, col. 2, line 23; also see Fig. 2 and pars. 0009 - 0012 for details on how the personal assistant or electronic assistant can schedule and manage reminders for its subscriber. When reminders come due, the electronic assistant notifies the subscriber; see FIG. 31 for the reminder task loop indicating that the action is repeated) indicating a desire to be connected to a telephone identified in said location information for said remote user for the purpose of persistently reminding the subscriber that there is a call on hold for in waiting for him unless he decides not to receive it.

Therefore, it would have been obvious to one of the ordinary skilled in the art at the time of the invention was made to incorporate the teaching of Miner into the teaching of Wood in view of Robinson for the purpose of providing greater access and convenience in accessing a phone via voice recognition, eliminating the annoyance of unnecessary audible ring once the conversation is live, and ensuring that the subscriber is aware by receiving some form of reminder (i.e., audible ringing) that someone is on hold and wishes to speak with him,

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

### **Conclusion**

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUNG-HOANG J. NGUYEN whose telephone number is (571)270-1949. The examiner can normally be reached on Monday to Thursday, 8:30AM - 5:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 571 272 7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Date: August 13, 2008

/Phung-Hoang J Nguyen/

Examiner, Art Unit 2614

/CURTIS KUNTZ/

Supervisory Patent Examiner, Art Unit 2614